

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/3/11

A Bill

HOUSE BILL 1447

5 By: Representative D. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO PROTECT THE HEALTH AND SAFETY OF PUBLIC
9 SCHOOL STUDENTS WHO SUFFER FROM DIABETES BY PROVIDING
10 FOR CERTAIN SCHOOL PERSONNEL TO BE TRAINED IN THE
11 ADMINISTRATION OF GLUCAGON; AND FOR OTHER PURPOSES.
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Subtitle

14
15 TO PROTECT THE HEALTH AND SAFETY OF
16 PUBLIC SCHOOL STUDENTS WHO SUFFER FROM
17 DIABETES BY PROVIDING FOR CERTAIN SCHOOL
18 PERSONNEL TO BE TRAINED IN THE
19 ADMINISTRATION OF GLUCAGON.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 17-87-103(10) and (11), concerning nursing
25 exceptions, is amended to read as follows:

26 (10) The prescription and administration of drugs, medicines, or
27 therapeutic devices in the presence of and under the supervision of an
28 advanced practice nurse holding a certificate of prescriptive authority, a
29 licensed physician, or licensed dentist by a registered nurse who is enrolled
30 as a student in an advanced pharmacology course, provided the prescription or
31 administration of drugs or medicines, or both, is confined to the educational
32 requirements of the course and under the direct supervision of a qualified
33 instructor; ~~or~~

34 (11)(A) The administration of Glucagon to a student who is
35 suffering from diabetes by school personnel, designated as a care provider in
36 a plan developed under Section 504 of the Rehabilitation Act of 1973, as it



1 existed on July 1, 2011, who have been trained by a licensed nurse employed
2 by a school district to administer Glucagon.

3 (B) A licensed nurse employed by a school district shall
4 train school personnel designated as care providers in a plan developed under
5 Section 504 of the Rehabilitation Act of 1973 to administer Glucagon to a
6 student.

7 (C) The board, in collaboration with the Department of
8 Education, shall promulgate rules necessary to administer subdivision (11) of
9 this section.

10 (12)(A) Health maintenance activities by a designated care aide
11 for a:

12 (i) Competent adult at the direction of the adult;

13 or

14 (ii) Minor child or incompetent adult at the
15 direction of a caretaker.

16 (B) As used in this section:

17 (i) "Caretaker" means a person who is:

18 (a) Directly and personally involved in
19 providing care for a minor child or incompetent adult; and

20 (b) The parent, foster parent, family member,
21 friend, or legal guardian of the minor child or incompetent adult receiving
22 care under subdivision (12)(B)(i)(a) of this section;

23 (ii) "Competent adult" means an individual who:

24 (a) Is eighteen (18) years of age or older;

25 and

26 (b) Has the capability and capacity to make an
27 informed decision; and

28 (iii) "Health maintenance activities" means
29 activities that:

30 (a) Enable a minor child or adult to live in
31 his or her home; and

32 (b) Are beyond activities of daily living
33 that:

34 (1) The minor child or adult is unable
35 to perform for himself or herself; and

36 (2) The attending physician, advanced

1 practice nurse, or registered nurse determines can be safely performed in the
2 minor child's or adult's home by a designated care aide under the direction
3 of a competent adult or caretaker.

4 (C) As used in this section, "home" does not include:

- 5 (i) A nursing home;
- 6 (ii) An assisted living facility;
- 7 (iii) A residential care facility;
- 8 (iv) An intermediate care facility; or
- 9 (v) A hospice care facility.

10 (D) The board, with the input of the Home Health Care
11 Service Agency Advisory Council, the Arkansas Health Care Association, and
12 the Arkansas Residential Assisted Living Association, shall promulgate rules
13 specifying which health maintenance activities are not exempted under this
14 subdivision ~~(11)~~ (12) and the minimal qualifications required of the
15 designated care aide.

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